

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS JAMES MARKER

Plaintiff,

CIVIL ACTION NO. 05-CV-72672-DT

vs.

DISTRICT JUDGE NANCY G. EDMUNDS

EDDIE JENKINS, M.D.,
et al,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER GRANTING DEFENDANT DR. JENKINS' MOTION TO TAKE PLAINTIFF'S
DEPOSITION PURSUANT TO F.R.C.P. 30 (DOCKET # 32)**

Plaintiff, who is currently incarcerated at the Hiawatha Correctional Facility in Kincheloe, Michigan, initiated this 42 U.S.C § 1983 lawsuit on July 7, 2006. On May 30, 2006 Defendant Eddie Jenkins, M.D. filed a Motion to Take Plaintiff's Deposition Pursuant to F.R.C.P. 30 (Docket # 32), to which Plaintiff has not responded. Defendant Jenkins specifically seeks to depose Plaintiff prior to the discovery cut-off date of September 9, 2006. All pre-trial matters have been referred to the undersigned by District Court Judge Nancy G. Edmunds. Defendant Jenkins' motion is now before this Court for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). The Court finds that the facts and legal arguments are adequately presented in the parties' papers and the decision process would not be significantly aided by oral argument. Therefore, this motion will be resolved without oral argument pursuant to E.D. MICH. LR 7.1(e)(2).

Upon review and consideration, the Court hereby **GRANTS** Defendant Jenkins

unopposed Motion to Take Plaintiff's Deposition Pursuant to F.R.C.P. 30 (Docket # 32).

IT IS ORDERED that Defendant Jenkins depose Plaintiff-Prisoner Dennis James Marker # 232640 at the Saginaw Correctional Facility where Plaintiff is incarcerated at a reasonable time to be determined by the Saginaw Correctional Facility staff.

IT IS FURTHER ORDERED that Plaintiff's deposition will take place **before August 21, 2006**.

IT IS SO ORDERED.

Notice to the Parties

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: July 17, 2006

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this order was served upon Counsel of Record and Dennis James Marker on this date.

Dated: July 17, 2006

s/ Lisa C. Bartlett

Courtroom Deputy